



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert E. Corbin

April 9, 1979

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mrs. Marguerite B. Cooley, Director
Department of Library, Archives and
Public Records
Third Floor Capitol
1700 West Washington
Phoenix, Arizona 85007

Re: I79-102 (R78-215)

Dear Mrs. Cooley:

In your letter of July 13, 1978, you asked whether the Department of Library, Archives and Public Records can establish "library planning and service areas" pursuant to A.R.S. §§ 41-1337.B.4 and 6 in regions different from those established by Governor's Executive Order 69-6. We conclude that, if the Department plans to seek federal funds for any program under the auspices of a "library planning and service area", the boundaries of said area must conform to those mandated by the executive order. If only state monies are to be expended for the area, then the Department may draw its own boundaries.

In 1968, Congress passed the Intergovernmental Cooperation Act (42 U.S.C. § 4201 et seq.), a major purpose of which was to coordinate local, area-wide and state development planning for all programs receiving federal aid.¹ The Office of Management and Budget (OMB) is authorized to prescribe rules and regulations to administer the Act,² pursuant to which it issued Bureau of the Budget Circular A-95 which established the Project Notification and Review System. Executive Order 69-6

1. 42 U.S.C. § 4231.

2. 42 U.S.C. § 4233

established six planning regions in the State in order to comply with federal requirements for obtaining federal grants.³

Under A.R.S. § 41-1336.A, the Director of the Department of Library, Archives and Public Records is given the authority to:

. . . accept, on behalf of the state, any allocation of money or materials made by the federal government for library purposes, any appropriations of state funds for the extension and improvement of statewide library service or any bequests, grants or gifts to the department for such purpose, and administer all of them under rules and regulations he prescribes, not inconsistent with the conditions of the allocation, appropriation, bequest, grant or gift.
(Emphasis added.)

The Director must comply with conditions attached to the receipt of federal funds and, under OMB Circular A-95, all area-wide plans must be subject to the Project Notification and

3. The Executive Order states in part as follows:

WHEREAS, Bureau of the Budget Circulars A-95 and A-96 . . . which require, as of October 1, 1969, the establishment of a Project Notification and Review System based upon compatible planning jurisdictions in order to facilitate the development of coordinated regions and statewide planning and review activities with regard to many federal programs, demand immediate action on the part of the State of Arizona and the executive branch of government to establish a statewide clearing house and a system of regional clearing houses to effectuate the Project Notification System required by Bureau of the Budget Circulars A-95 and A-96. * * *

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Review System, utilizing the areas created by Executive Order 69-6.⁴

The Library Extension Service Division is responsible for coordinating various statewide library services pursuant to A.R.S. § 41-1337.B. The establishment of "library planning and service areas" is contemplated in order to perform the following duties:

4. Give professional advice and assistance in the establishment and operation of county free libraries, municipal libraries, or any combinations thereof, and to joint ventures of public and private or nonprofit libraries in this state which make library information available to the public and which request such professional advice and assistance.

6. Perform all other duties necessary or appropriate to the development of statewide library service. (Emphasis added)

The statute distinguishes between the preparation of a statewide plan in A.R.S. § 41-1337.B.1⁵ and the advisory functions of A.R.S. § 41-1337.B.4. So long as federal money is not involved, library extension service functions pursuant to A.R.S. § 41-1337.B.4 and 6 need not comply with Executive Order 69-6.

Sincerely,



BOB CORBIN
Attorney General

BC/mm

4. Your letter states that the Department has established regional library systems pursuant to A.R.S. § 41-1337.B.1 using the regions specified by Executive Order 69-6. Under B.1, the Library Extension Service Division must:

Footnote continued.

1. Prepare a plan for statewide public library service including a supplementary service to libraries of books, other printed materials and audio-visual materials, and a direct service to individuals and groups of books, pamphlets and visual materials. Such plan shall be put into effect to the extent made practicable by available facilities.

5. See n.4, supra.